

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

TAMARA K. ALSAADA, et al.,

Plaintiffs,

v.

CITY OF COLUMBUS, et al.,

Defendants.

Case No. 2:20-cv-3431

Chief Judge Algenon L. Marbley

Magistrate Judge Kimberly A. Jolson

**DEFENDANTS' UNOPPOSED MOTION
FOR EXTENSION OF TIME TO FILE
NOTICE OF APPEAL PURSUANT TO
FEDERAL RULE OF APPELLATE
PROCEDURE 4(a)(5).**

Pursuant to Federal Rule of Appellate Procedure 4(a)(5), Defendants the City of Columbus, Deputy Chief of Police Thomas Quinlan, Sergeant David Gitlitz, Officer Shawn Dye, Officer Thomas Hammel, Officer Holly Kanode, Officer Kenneth Kirby, Officer Michael Eschenburg (collectively, "Defendants") respectfully move this Court for a 30-day extension of time to file a notice of appeal of the Court's decision granting Plaintiffs' Motion for Preliminary Injunction. (ECF No. 66.) Plaintiffs do not oppose this Motion, and a memorandum in support is attached hereto.

Respectfully submitted,

/s/ Alana V. Tanoury

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MEMORANDUM IN SUPPORT

Pursuant to Federal Rule of Appellate Procedure 4(a)(5)(A), Defendants the City of Columbus, Deputy Chief of Police Thomas Quinlan, Sergeant David Gitlitz, Officer Shawn Dye, Officer Thomas Hammel, Officer Holly Kanode, Officer Kenneth Kirby, Officer Michael Eschenburg (collectively, “Defendants”), move this Court for a 30-day extension of time to file a notice of appeal of the Court’s decision granting Plaintiffs’ Motion for Preliminary Injunction. (ECF No. 66.) Plaintiffs do not oppose this Motion.

Federal Rule of Civil Procedure 4(a)(1)(A) provides that “the notice of appeal required by Rule 3 must be filed with the district clerk within 30 days after entry of the judgment or order appealed from.” Fed. R. App. P. 4(a)(1)(A). The district court may extend this deadline pursuant to Federal Rule of Appellate Procedure 4(a)(5)(A). Rule 4(a)(5)(A) provides as follows:

- (A) The district court may extend the time to file a notice of appeal if:
 - (i) a party so moves no later than 30 days after the time prescribed by this Rule 4(a) expires; and
 - (ii) regardless of whether its motion is filed before or during the 30 days after the time prescribed by this Rule 4(a) expires, that party shows excusable neglect or good cause.

Fed. R. App. P. 4(a)(5)(A).

Here, the Court granted Plaintiffs’ Motion for Preliminary Injunction on April 30, 2021. (ECF No. 66.) Accordingly, under Rule 4(a)(1)(A), Defendants’ notice of appeal must be filed by Sunday, May 30, 2021. Defendants seek a 30-day extension of this deadline, making their notice of appeal, if any, due on Tuesday, June 29, 2021.

Defendants have good cause for seeking an extension of the deadline to file their notice of appeal. This case involves complex issues and numerous individually-named Defendants. Under these circumstances, Defendants need additional time to consider whether to appeal,

including whether the City needs to hire special counsel to represent individual Defendants. Additionally, the parties have commenced settlement discussions and are working towards resolving this case. For these reasons, good cause exists for a 30-day extension of time to file a notice of appeal, and Defendants' unopposed Motion should be granted.

Respectfully submitted,

/s/ Alana V. Tanoury

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Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that, on May 26, 2021, I electronically filed the foregoing Motion with the Clerk of this Court by using the Court's CM/ECF System. Copies will be served upon counsel of record by, and may be obtained through, the Court's CM/ECF System.

/s/ Alana V. Tanoury

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